UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,480	07/01/2003	Charles P. McCollum	7791-A-1CON	3478

7590   10/27/2006

Jordan M. Meschkow
Meschkow & Gresham
Suite 409
5727 North 7th Street
Phoenix, AZ 85014

EXAMINER
PATEL, ASHOKKUMAR B

ART UNIT	PAPER NUMBER
2154	

DATE MAILED: 10/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/612,480	MCCOLLUM ET AL.
	Examiner	Art Unit
	Ashok B. Patel	2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>01 July 2003</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-20</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-20</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>07/01/2003</u>.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-20 are subject to examination.

Double Patenting

2.   The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees.   A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

1.   A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

2.   Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3.   Claims 1-20 are rejected on the ground of nonstatutory double patenting over claims 1-19 of U. S. Patent No. 6, 594, 691 since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter, as follows:

Patent No. 6, 594, 691	Instant Application
Claim 1. A method of operating a computer network to add function to a Web page comprising the steps of: downloading said Web page at a processor platform, said downloading step being performed by a Web browser; when said Web page is downloaded, automatically executing a first code module embedded in said Web page;	⇨ Claim 1
	⇨ Claim 1 & 2
said first code module issuing a first command to retrieve a second code module, via a network connection, from a server system;	
receiving, at said server system, first information characterizing said Web browser in response to said executing step; receiving, at said server system, second information characterizing said processor platform in response to said executing step;	⇨ Claim 1 & 4
storing said first and said second information in a visitor database of said server system, said first and said second information being associated with a tracking index; assembling, at said server system, said second code module, said second code module containing a service response related to said Web page; said second code module being responsive to said first and second information; downloading, in response to said first command, said code module to said processor platform; and	⇨ Claim 1,3, 4 & 5
said first code module issuing a second command to initiate execution of said second code module at said processor platform.	⇨ Claim 1,7 and 13
Claim 2. A method as claimed in claim 1 wherein said Web browser employs HyperText Transfer Protocol (HTTP) and said first code module is generated in a HyperText Markup Language (HTML), and **Claim 3**. A method as claimed in claim 2	⇨ Claim 8

wherein said Web page is generated in said HTML, and said first code module includes a comment tag informing said Web browser to ignore said second command.	
Claim 4	Claim 9
Claim 5	Claim 10
Claim 6	Claim 11
Claim7-9	Claim 12
Claim 10	Claim 6
Claim 11-13	Claim 18
Claim 14	Claim 15
Claim 15	Claim 16
Claim 16	Claim 17
Claim 17	Claim 14
Claim 18	Claim 18
Claim 19	Claim 19 and 20

Furthermore, there is no apparent reason why applicant was prevented from presenting claims corresponding to those of the instant application during prosecution of the application which matured into a patent. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5.   Claims 1-9 and 12-20 are rejected under 35 U.S.C. 102(b) as being anticipated

by Davis et al. (hereinafter Davis) (US 5, 796, 952).

Referring to claim 1,

Davis teaches a method of operating a computer network to add function to a

Web page (Figs. 4 and 6) comprising:

downloading said Web page at a processor platform, said downloading step

being performed by a Web browser (col. 11, line 35-37, "A more particular embodiment

of this aspect of the invention is illustrated in FIG. 4. A Web page (or HTML document)

is requested by the client from a first server A, using TCP/IP and HTTP protocols

(S401).");

when said Web page is downloaded, automatically executing a first code module

embedded in said Web page; said first code module issuing a command to retrieve a

second code module;

assembling, in response to said issuing operation, said second code module

having a service response; and

initiating execution of said second code module at said processor platform. (col.

11, line – 47 through col. 12, line 24, "The Web page (or other Web or HTML

document) additionally includes embedded URLs which point to two resources that

reside on a second server "B". One of the resources is an executable program, which

executes on Server B, and is a CGI script. This resource is also embedded inside the

Web page using the <IMG> tag.**(when said Web page is downloaded, automatically executing a first code module embedded in said Web page)**. Thus, in attempting to render the Web page, the client will automatically fetch this resource (S403), which forces execution of the CGI script on the second Server B and the return of information output from the script to the client. **In this case, the information returned to the client is formatted as an GIF image type which is extremely small as well as completely transparent (S403B).** When the CGI script executes, it may collect information from the HTTP request header such as browser type, network ID (IP address), and if set, client ID ("cookie"), as well as any additional available information such as time of execution and the URL of the Web page, and store it in a database--for example using SQL (S403A, S404). In step S403B, the CGI script returns information to the client, which includes a response header which indicates (among other information), that the return type is an image, that this resource should not be cached by the client, and if no client ID is set and the client supports it, that a client ID is to be set to a value generated by the script.

In addition, the CGI script may monitor the number of times the Web page has been accessed in general. On the other hand, another CGI script located on the same or another server may be used for this purpose. This process may be carried out by simply incrementing a counter each time the resource is accessed, or may be conducted at any other time by merely counting the number of entries made in a stored record of requests made for the resource.

The other resource located on Server B is a JAVA applet, the tracking program **(said first code module issuing a command to retrieve a second code module)**. This resource can also be located on any other server, and is embedded in the Web page using the known HTML <APPLET> tag, which allows one to specify the source URL (through the CODE and CODEBASE parameters) as well as additional size, layout and initialization parameters. The client, in attempting to render the Web page, will automatically fetch the applet by making a request to Server B using the TCP/IP and HTTP protocols (S406)**(assembling, in response to said issuing operation, said second code module having a service response)**. Soon after it has received the JAVA code for the tracking program, it will first execute the INIT (initialization) method of the applet (S407) and then the START method."**(initiating execution of said second code module at said processor platform.) Note: The service response includes the tracking program and as indicated above,** "In this case, the information returned to the client is formatted as an GIF image type which is extremely small as well as completely transparent (S403B).")

Referring to claim 2,

Davis teaches a method as claimed in claim 1 wherein   said   first   code module issues   said   command   to   retrieve   said   second code module from a server system via a network connection. (col. 11, line – 47 through col. 12, line 24, "The Web page (or other Web or HTML document) additionally includes embedded URLs which point to two resources that reside on a second server "B". "The

client, in attempting to render the Web page, will automatically fetch the applet by

making a request to Server B using the TCP/IP and HTTP protocols (S406)".)

Referring to claim 3,

Davis teaches a method as claimed in claim 1 wherein said assembling operation

is performed at a server system, and said method further comprises downloading said

second code module to said processor platform. (col. 11, line – 47 through col. 12, line

24, "The Web page (or other Web or HTML document) additionally includes embedded

URLs which point to two resources that reside on a second server "B".)

Referring to claim 4,

Davis teaches a method as claimed in claim 3 further comprising receiving, at

said server system, information characterizing at least one of said processor platform

and said Web browser, said assembling operation assembling said second code

module in response to said information. (col. 11, line – 47 through col. 12, line 24,

"When the CGI script executes, it may collect information from the HTTP request

header such as **browser type, network ID (IP address), and if set, client ID**

("cookie"), as well as any additional available information such as time of

execution and the URL of the Web page, and store it in a database--for example

using SQL (S403A, S404). In step S403B, the CGI script returns information to the

client, which includes a response header which indicates (among other information),

that the return type is an image, that this resource should not be cached by the client,

and if no client ID is set and the client supports it, that a client ID is to be set to a value

generated by the script.")

Referring to claim 5,

Davis teaches a method as claimed in claim 4 further comprising storing said information in a visitor database of said server system, said information being associated with a tracking index. (col. 11, line – 47 through col. 12, line 24, "When the CGI script executes, it may collect information from the HTTP request header such as browser type, network ID (IP address), and if set, client ID ("cookie"), as well as any additional available information such as time of execution and the URL of the Web page, and **store it in a database--**for example using SQL (S403A, S404). In step S403B, the CGI script returns information to the client, which includes a response header which indicates (among other information), that the return type is an image, that this resource should not be cached by the client, and if no client ID is set and the client supports it, that a client ID is to be set to a value generated by the script.

In addition, the CGI script may monitor the number of times the Web page has been accessed in general. On the other hand, another CGI script located on the same or another server may be used for this purpose. This process may be carried out by simply incrementing a counter each time the resource is accessed, or may be conducted at any other time by merely counting the number of entries made in a stored record of requests made for the resource.)

Referring to claim 6,

Davis teaches a method as claimed in claim 5 further comprising the steps of: applying   said   tracking   index   to   said   processor platform   in response to said information; and using said tracking index at said

server system to track and identify said processor platform. (col. 11, line – 47 through

col. 12, line 24, "When the CGI script executes, it may collect information from the

HTTP request header such as browser type, network ID (IP address), and if set, client

ID ("cookie"), as well as any additional available information such as time of execution

and the URL of the Web page, and store it in a database--for example using SQL

(S403A, S404). In step S403B, the CGI script returns information to the client, which

includes a response header which indicates (among other information), that the return

type is an image, that this resource should not be cached by the client, and if no client

ID is set and the client supports it, that a client ID is to be set to a value generated by

the script.

In addition, the CGI script may monitor the number of times the Web page has

been accessed in general. On the other hand, another CGI script located on the same

or another server may be used for this purpose. This process may be carried out by

simply incrementing a counter each time the resource is accessed, or may be

conducted at any other time by merely counting the number of entries made in a stored

record of requests made for the resource.)

Referring to claim 7,

Davis teaches a method as claimed in claim 1 wherein said command is a first

command, and said method further comprises said first code module issuing a second

command to perform said initiating operation. (col. 11, line – 47 through col. 12, line 24,

"This resource is also embedded inside the Web page using the <IMG> tag.", and

"The client, in attempting to render the Web page, will automatically fetch the applet by

making a request to Server B using the TCP/IP and HTTP protocols (S406) Soon after it

has received the JAVA code for the tracking program, it will first execute the INIT

(initialization) method of the applet (S407) and then the START method." **Note: The**

service response includes the tracking program and as indicated above, "In this

case, the information returned to the client is formatted as an GIF image type which is

extremely small as well as completely transparent (S403B).")

Referring to claim 8,

Davis teaches a method as claimed in claim 7 wherein said Web browser

employs HyperText Transfer Protocol (HTTP), said first code module and said Web

page are generated in a HyperText Markup Language (HTML), and said first code

module includes a comment tag informing said Web browser to ignore said second

command. (col. 12, line 26-30 and col. 13, line 19-21, "In another embodiment, the

software timer of the tracking program may be initiated or stopped when the user incurs

a keyboard or mouse event, such as by "clicking" on a specified area of an ad banner.")

Referring to claim 9,

Davis teaches a method as claimed in claim 1 wherein said method further

comprises: receiving, at a server system, a Web address of said Web page (col. 11, line

– 47 through col. 12, line 24, "When the CGI script executes, it may collect information

from the HTTP request header such as **browser type, network ID (IP address), and if**

set, client ID ("cookie"), as well as any additional available information such as

time of execution and the URL of the Web page, and store it in a database--for

example using SQL (S403A, S404);

Determining if said   Web   page   is   registered   with   said
server system; and when said Web page is not registered, performing a registration of
said Web page. (col. 15, line 59 – col. 16, line 9, "In this embodiment of the present
invention, two distinct databases may be created. The first database is **indexable by
resource identity (such as URL), and includes information such as URL of the
Web document,** number of times accessed, identity of clients that accessed the Web
document, amount of time displayed, amount of data displayed, average time displayed,
number of times accessed, and the like. In the case of an ad banner or other
embedded resource which may be accessed by a link made by a user while browsing
another resource, the database may include additional information such as "click-
through rate" (the number of times the ad banner was clicked on to go to the Web site of
the advertiser), and the like.

A second database that may be created is indexable by individual client, and
includes information concerning individual client's interests and preferences. **These
separate databases may be combined in a single database indexable by client or
resource identity."** Note: Indexing of the resource identity which is **resource identity
(such as URL), and includes information such as URL of the Web document.")**
Referring to claim 12,

Davis teaches a method as claimed in claim 1 wherein said service response is
one of a denial of service indication, a conditional service indication, and a
predetermined service. (col. 15, line 20-40, "The other resource on Server B is a Java
applet, which is a combination ad banner and tracking program. This may be stored on

any server. In attempting to render the Web page, the client will automatically fetch the

Java code (S604), download, initialize, and start operation of the applet (S607, S608).

After the applet is initialized, it contacts Server B to obtain other resources it needs in

order to display images, play sounds, or control its overall look and behavior. In fact,

the applet may obtain these resources by executing one or more CGI scripts or other

processes that reside on Server B or elsewhere (S607). Based on information provided

to these scripts through standard HTTP methods, including client information (S607A),

such as network and client IDs, any other information such as the URL of the Web

page, as well as information captured by the CGI script 1, and the previously

constructed historical database profile (S607B), different information (images, sounds,

text, etc.) may be returned to the applet. Such information can therefore be selected by

the scripts based on Network and/or Client ID, the URL of the Web page, and the

previously constructed client profile.")

Referring to claim 13,

Davis teaches a method as claimed in claim 1 further comprising presenting said

service response at said processor platform in response to said initiating operation. (col.

15, line 20-40, "The other resource on Server B is a Java applet, which is a combination

ad banner and tracking program. This may be stored on any server. In attempting to

render the Web page, the client will automatically fetch the Java code (S604),

download, initialize, and start operation of the applet (S607, S608). After the applet is

initialized, it contacts Server B to obtain other resources it needs in order to display

images, play sounds, or control its overall look and behavior. In fact, the applet may

obtain these resources by executing one or more CGI scripts or other processes that

reside on Server B or elsewhere (S607). Based on information provided to these scripts

through standard HTTP methods, including client information (S607A), such as network

and client IDs, any other information such as the URL of the Web page, as well as

information captured by the CGI script 1, and the previously constructed historical

database profile (S607B), different information (images, sounds, text, etc.) may be

returned to the applet. Such information can therefore be selected by the scripts based

on Network and/or Client ID, the URL of the Web page, and the previously constructed

client profile.")

Referring to claim 14,

Davis teaches a method as claimed in claim 13 further comprising terminating

said presenting operation upon detection, at said server system, of a terminate service

response indicator from said processor platform.(col. 15, line 42-45, "The STOP method

of the applet which is executed, for example, when the user leaves the Web page

(S609), will compute the difference between the current time and the time noted during

execution of the START method.")

Referring to claims 15 and 16,

Davis teaches a method as claimed in claim 1 wherein said service response is a

metaphor, and said method further comprises the step of displaying said metaphor in

connection with said Web page on said processor platform, and a method as claimed in

claim 15 further comprising the step of customizing said metaphor to include a

parameter set relevant to said Web page, said customized metaphor describing a

conditional service presented upon execution of said second code module. (col. 15, line 20-40, "The other resource on Server B is a Java applet, which is a combination ad banner and tracking program. This may be stored on any server. In attempting to render the Web page, the client will automatically fetch the Java code (S604), download, initialize, and start operation of the applet (S607, S608). After the applet is initialized, it contacts Server B to obtain other resources it needs in order to display images, play sounds, or control its overall look and behavior. In fact, the applet may obtain these resources by executing one or more CGI scripts or other processes that reside on Server B or elsewhere (S607). Based on information provided to these scripts through standard HTTP methods, including client information (S607A), such as network and client IDs, any other information such as the URL of the Web page, as well as information captured by the CGI script 1, and the previously constructed historical database profile (S607B), different information (images, sounds, text, etc.) may be returned to the applet. Such information can therefore be selected by the scripts based on Network and/or Client ID, the URL of the Web page, and the previously constructed client profile.", and col. 13, line 63-col.14, line 11, "For example, when a user is exposed to an ad banner having information targeted to their particular interests, the user is more likely to interact with that ad banner for a longer period of time and on a more frequent basis, thereby increasing the value of that ad banner. In accordance with the present invention, in order to learn the particular interests of respective users, an ad banner may include specific information permitting the user to interact in different ways with the banner. **The ad banner may have pull-down menu options, clickable buttons or**

**"hot-spots", keyboard input, or any number of input mechanisms, whose
selection or action upon in a designated manner causes corresponding events to
take place in the ad banner such as the generation or synthesis of sounds, the
display of images, video, or graphic animations, or the presentation of different
types of information to the user, perhaps with additional choices." Note: The
underlined represents "metaphor".)**

Referring to claim 17,

Davis teaches a method   as   claimed   in   claim   15   further
comprising   the steps of: detaching said metaphor from said Web page; and
displaying said metaphor disassociated from said Web page. (col.14, line 11-21, "Such
information may, for example, include links to interactive games, links to entertainment
information, sports-related games and/or trivia, and the like, or information concerning
particular goods and services, or means by which to order or purchase specific goods
and services. The more choices that are made available, the more information that can
be acquired concerning the user's particular interests.", **NOTE: Links lead to
detachment.)**

Referring to claim 18,

Davis teaches a   method   as   claimed   in   claim   1   further
comprising   the steps of: executing said second code module in response to said
initiating operation, said second code module including a Web address for a second
Web page; downloading   information   content   from   said
second   Web   page at said processor platform; and presenting said

information content in said service response at said processor platform (col.14, line 11-21, "Such information may, for example, include links to interactive games, links to entertainment information, sports-related games and/or trivia, and the like, or information concerning particular goods and services, or means by which to order or purchase specific goods and services. The more choices that are made available, the more information that can be acquired concerning the user's particular interests.", **NOTE: Links lead to** "a Web address for a second Web page; downloading information content from said second Web page at said processor platform; and presenting said information content in said service response at said processor platform.")

Referring to claim 19,

Davis teaches a computer readable code module for adding function to a Web page (Figs 4 and 6), said code module configured to be embedded in said Web page generated in a HyperText Markup Language (HTML) (col. 11, line – 47 through col. 12, line 24) and configured for automatic execution when said Web page is downloaded to a client machine supporting a graphical user interface and a Web browser (col.11, line 35-37), said computer readable code module including:

means for communicating a Web address of said Web page to a server system via a network connection to initiate a download of a second computer readable code module to said client machine;

means for commanding an assembly, at said server system, of said second computer readable code module containing a service response related to said Web page;

means for commanding a download of said second computer readable code module to said client machine;

means for initiating execution of said second computer readable code module following said download of said second computer readable code module; (col. 11, line – 47 through col. 12, line 24, "The Web page (or other Web or HTML document) additionally includes embedded URLs which point to two resources that reside on a second server "B". One of the resources is an executable program, which executes on Server B, and is a CGI script. This resource is also embedded inside the Web page using the <IMG> tag. **(means for communicating a Web address of said Web page to a server system via a network connection to initiate a download of a second computer readable code module to said client machine)** Thus, in attempting to render the Web page, the client will automatically fetch this resource (S403), which forces execution of the CGI script on the second Server B and the return of information output from the script to the client. <u>**In this case, the information returned to the client is formatted as an GIF image type which is extremely small as well as completely transparent (S403B).**</u> When the CGI script executes, it may collect information from the HTTP request header such as browser type, network ID (IP address), and if set, client ID ("cookie"), as well as any additional available information such as time of execution and the URL of the Web page, and store it in a database--for

example using SQL (S403A, S404). In step S403B, the CGI script returns information to the client, which includes a response header which indicates (among other information), that the return type is an image, that this resource should not be cached by the client, and if no client ID is set and the client supports it, that a client ID is to be set to a value generated by the script.

In addition, the CGI script may monitor the number of times the Web page has been accessed in general. On the other hand, another CGI script located on the same or another server may be used for this purpose. This process may be carried out by simply incrementing a counter each time the resource is accessed, or may be conducted at any other time by merely counting the number of entries made in a stored record of requests made for the resource.

The other resource located on Server B is a JAVA applet, the tracking program. This resource can also be located on any other server, and is embedded in the Web page using the known HTML <APPLET> tag, which allows one to specify the source URL (through the CODE and CODEBASE parameters) as well as additional size, layout and initialization parameters. The client, in attempting to render the Web page, will automatically fetch the applet by making a request to Server B using the TCP/IP and HTTP protocols (S406) **(means for commanding an assembly, at said server system, of said second computer readable code module containing a service response related to said Web page; means for commanding a download of said second computer readable code module to said client machine).**Soon after it has received the JAVA code for the tracking program, it will first execute the INIT

(initialization) method of the applet (S407) and then the START method. **(means for initiating execution of said second computer readable code module following said download of said second computer readable code module).** <u>Note:</u> **The service response includes the tracking program and as indicated above,** "In this case, the information returned to the client is formatted as an GIF image type which is extremely small as well as completely transparent (S403B)."); and

means for providing a comment tag informing said Web browser to ignore said initiating means(col. 12, line 26-30 and col. 13, line 19-21, "In another embodiment, the software timer of the tracking program may be initiated or stopped when the user incurs a keyboard or mouse event, such as by "clicking" on a specified area of an ad banner.").

Referring to claim 20,

Davis teaches a computer readable code module as claimed in claim 19 further comprising means for communicating information characterizing at least one of said Web browser and said client machine to said server system so that said assembled second computer readable code module is responsive to said information. (col. 11, line – 47 through col. 12, line 24, "When the CGI script executes, it may collect information from the HTTP request header such as browser type, network ID (IP address), and if set, client ID ("cookie"), as well as any additional available information such as time of execution and the URL of the Web page, and <u>store it in a database--</u>for example using SQL (S403A, S404). In step S403B, the CGI script returns information to the client, which includes a response header which indicates (among other information), that the return type is an image, that this resource should not be cached by the client, and if no

client ID is set and the client supports it, that a client ID is to be set to a value generated

by the script.

In addition, the CGI script may monitor the number of times the Web page

has been accessed in general. On the other hand, another CGI script located on the

same or another server may be used for this purpose. This process may be carried out

by simply incrementing a counter each time the resource is accessed, or may be

conducted at any other time by merely counting the number of entries made in a stored

record of requests made for the resource.)

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or
described as set forth in section 102 of this title, if the differences between the subject matter
sought to be patented and the prior art are such that the subject matter as a whole would have
been obvious at the time the invention was made to a person having ordinary skill in the art to
which said subject matter pertains. Patentability shall not be negatived by the manner in which
the invention was made.

7.   Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being Unpatentable

over Davis et al. (hereinafter Davis) (US 5, 796, 952) in view of Ong (US 2005/0108626

).

Referring to claim 10,

Keeping in mind the teachings of Davis as stated above, Davis fails to teach

method   as   claimed   in   claim   9   wherein   said   performing

operation comprises: receiving said Web page at said server system; extracting

informational content of said Web page; archiving said informational content of said

Web page; and producing a profile of said Web page in response to said extracting and

archiving. Ong teaches at para.[0041], "The persistent Web servers 140, 150 may be

embodied as conventional hardware and software, as modified herein to carry out the

functions and operations described below. Specifically, the persistent Web servers 140,

150 need to know how to (i) receive URLs containing **(receiving said Web page at**

said server system, Note: (v) which "returns page to client" that means the page

is received) a time stamp, (ii)extract the time stamp **(extracting informational content**

of said Web page), (iii) retrieve the correct web page from the archive, (iv) modify the

requested web page to update embedded hyperlinks to incorporate the same time

stamp as the requested web page **(archiving said informational content of said Web**

page; and producing a profile of said Web page in response to said extracting

and archiving) and (v) return the requested page to the client. The persistent Web

servers 140, 150 should interpret the extracted URL in accordance with the selected

time stamp format. If a version of the Web resource corresponding to the requested

time does not exist, the present invention assumes the Web resource has not changed

from the previous archived version, and the version of the Web resource with the most

recent time proceeding the requested time is provided."

Ong's teachings would be so recognized by persons of ordinary skill, such that it

would have been obvious for one in ordinary skill in the art at the time the invention was

made to implement these teachings at Server B of Davis allowing a user to refer to any

Web address with a precise target time, the allowing the Web to be an organized and

reliable reference source, much like paper-based media.

Referring to claim 11,

Davis teaches a method as claimed in claim 10 wherein said service response is related to said profile of said Web page, and said method further comprises: **storing said service response in association with said Web address**(col. 11, line – 47 through col. 12, line 24, "When the CGI script executes, it may collect information from the HTTP request header such as browser type, network ID (IP address), and if set, client ID ("cookie"), as well as any additional available information such as time of execution and the URL of the Web page, and store it in a database--for example using SQL (S403A, S404).) ; **and accessing said service response when said first code module issues said command so that said service response is included in said second code module** (The other resource located on Server B is a JAVA applet, the tracking program (**accessing said service response when said first code module issues said command so that said service response is included in said second code module**). This resource can also be located on any other server, and is embedded in the Web page using the known HTML <APPLET> tag, which allows one to specify the source URL (through the CODE and CODEBASE parameters) as well as additional size, layout and initialization parameters. The client, in attempting to render the Web page, will automatically fetch the applet by making a request to Server B using the TCP/IP and HTTP protocols (S406) Soon after it has received the JAVA code for the tracking program, it will first execute the INIT (initialization) method of the applet (S407) and then the START method.")

Conclusion

Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok B. Patel whose telephone number is (571) 272-3972. The examiner can normally be reached on 8:00am-5:00pm.
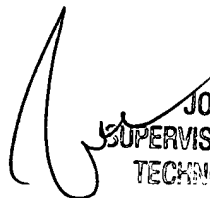
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Abp
***

JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100